

REMARKS

Reconsideration and allowance are respectfully requested in light of the above amendments and the following remarks.

With respect to the Information Disclosure Statements filed June 29, 2000, and November 25, 2003, the Applicants respectfully request that the Examiner initial and return copies of the previously supplied Forms PTO-1449. A Request for Consideration of IDS's is submitted herewith, along with, for the convenience of the Examiner, copies of the pertinent Forms PTO-1449, as well as copies of the IDS's, PTO date-stamped filing receipts and references.

Claims 7-14 have been cancelled in favor of new claims 15-23. Independent claims 15 and 21-23 recite features of cancelled claims 7 and 12-14, and dependent claims 16-18 recite features of cancelled claims 8-10. Support for new claims 15-23 is provided in Figs. 4 and 7 and their accompanying descriptions in the specification.

Claims 7-14 were rejected, under 35 USC §102(e), as being anticipated by Granata et al. (US 6,009,307). To the extent these rejections are deemed applicable to new claims 15-23, Applicant respectfully traverses.

As recited in new claim 15, the present invention is configured for use in OFDM-CDMA communication. The claimed

invention defines a radio signal having a plurality of data, which are spread over a frequency axis and both code division and frequency division multiplexed upon a plurality of subcarrier signals that are received through a plurality of antennas. The reception amplitude levels, detected on a per antenna basis and on a per subcarrier basis, are compared on a per subcarrier basis between the plurality of antennas. Then, one of the antennas corresponding to the largest reception amplitude level is selected on a per subcarrier basis. An advantage of the above-noted features of the present claimed invention is that the orthogonality between spreading codes can be maintained under multipath conditions.

By contrast, Granata is directed to DS-CDMA communication, and therefore contains nothing pertinent to OFDM-CDMA communication, to which the present invention is directed. More particularly, Granata discloses spreading data over a time axis and transmitting the data on a single carrier signal.

Granata fails to anticipate the above-noted features of the present claimed invention. That is, Granata fails to disclose a plurality of data that are spread over a frequency axis and both code division and frequency division multiplexed upon a plurality of subcarrier signals. Thus, Granata and the present claimed invention are directed to entirely different communication schemes.

In addition, Granata further fails to anticipate the other above-noted features of the present claimed invention. Specifically, Granata does not disclose reception amplitude levels that are detected on a per antenna basis and on a per subcarrier basis and compared on a per subcarrier basis between the plurality of antennas. Granata also does not disclose that one of the antennas, which corresponds to the largest reception amplitude level, is selected on a per subcarrier basis. Simply put, Granata fails to disclose performing diversity processing on a per subcarrier basis between the plurality of antennas.

Thus, Granata and the present claimed invention are not only directed to entirely different communication schemes, but also adopt entirely different configurations.

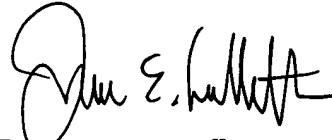
Accordingly, Applicant respectfully submits that the present invention defined by claim 15 is novel over Granata. Therefore, allowance of claim 15 and all claims dependent therefrom is warranted.

Independent claims 21-23 are method claims that distinguish over Granata for similar reasons that claim 15 distinguishes thereover. Therefore, it is submitted that allowance of claims 21-23 is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



James E. Ledbetter  
Registration No. 28,732

Date: March 2, 2004  
JEL/DWW/att  
Attorney Docket No. JEL 31207  
STEVENS DAVIS, MILLER & MOSHER, L.L.P.  
1615 L Street, N.W., Suite 850  
Washington, D.C. 20043-4387  
Telephone: (202) 785-0100  
Facsimile: (202) 408-5200  
Email: ledbetter@stevensdavis.com